

**COUNTY OF SAN DIEGO, CALIFORNIA**  
**BOARD OF SUPERVISORS POLICY**

**Subject**

Public Access to County Records

**Policy  
Number**

A-54

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**Purpose**

To establish Board Policy with respect to the Public's access to certain County records.

**Background**

The California State Legislature, in enacting Government Code Section 6250 et seq. known as the California Public Records Act, made a legislative finding that access to information concerning the conduct of the people's business is a fundamental and necessary right of every person in the State. At the same time, however, the California Public Records Act provides that certain categories of records are not required to be disclosed by State and local agencies. Additionally, the California Public Records Act permits local agencies to adopt regulations stating the procedures to be followed when making their records available in accordance with law.

The present practice followed in the County of San Diego is that requests from persons for access to records are made to the department having custody of such records and the department makes the determination whether such person is entitled to have access to such records. When a question as to the legality of withholding a record from public access arises, the County officer who has custody of the record may contact County Counsel for an opinion regarding the right of the officer to deny access.

The Board of Supervisors desires to establish a formal written policy which would affirm the public's right to access County records within the provision of law; establish a procedure for the review of decisions to withhold records from public access; and provide that the review procedure is publicized.

**Policy**

It is the policy of the Board of Supervisors that:

1. Every person has a right to inspect and copy, upon payment of fees covering direct costs of duplication or a statutory fee if applicable (Government Code Section 6257), any records in the possession and custody of any officer of the County of San Diego, except as specifically prohibited by law or as provided for in paragraph 3 below.
2. Any person desiring to inspect or receive a copy shall request an identifiable public record from the County officer having custody thereof.

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3. Upon receipt of such request, the County officer shall make the records promptly available or otherwise determine whether to comply with the request within 10 days of the request. Public records in the custody of County officers shall be made available to public access; those coming within the scope of Government Code Section 6254 shall be within the discretion of the County officer to disclose, unless otherwise prohibited by law. Additionally, where, on the facts of the particular case the public interest in non-disclosure clearly outweighs the public interest in disclosure, the County officer shall deny access.
4. In unusual circumstances authorized by Government Code Section 6256.1 the County officer may extend the time to respond not more than ten (10) working days. An extension must be by the County officer, in writing, setting forth the reasons for delay and the expected date of determination.
5. If the County officer determines to deny the request, denial shall be in writing, setting forth the explicit reasons for denial of access to the subject record(s), and the names and titles or positions of each person responsible for the denial.
6. All officers of the County of San Diego who have custody of records of the nature set forth in Section 6254 of the Government Code shall establish procedures to be followed when making their records available for public inspection. Such procedures and this Board Policy shall be posted in a conspicuous place.
7. Copies of this Board Policy shall be available for distribution at no cost to the persons requesting such copies.
8. Any person who believes he/she has been unjustifiably denied access to a public record may, within 10 days of such denial, file a written request for review of the denial with the Chief Administrative Officer. Such request for review shall set forth a description of the record(s) sought and the person's reasons for believing that he/she is entitled to have access to such record(s).
9. Not more than 10 days following receipt of a request for review of denial to access of public records, the Chief Administrative Officer or his/her designee shall review such request, seeking the opinion of County Counsel when necessary. The Chief Administrative Officer shall inform the person requesting review of his/her finding in writing, setting forth the explicit reasons for denial of access to the subject record, when such denial is upheld.
10. If the Chief Administrative Officer concurs with the denial of access to a public record, the person requesting access to such public record may, within 10 days of receiving the Chief Administrative Officer's written reasons for denial of access, file a written request for review of the denial with the Clerk of the Board of

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Supervisors. Such request for review shall set forth a description of the record(s) sought, the person's reasons for believing that he/she is entitled to have access to such record(s), and a copy of the Chief Administrative Officer's written reasons for denial of access to the record(s).

11. Not more than 10 days following the filing of a request for review of denial to access of public records with the Clerk of the Board of Supervisors, the Board of Supervisors or its designated representative shall review the request, seeking the opinion of County Counsel when necessary. Whenever the Board of Supervisors designates a representative to make the review, the representative shall file a report with recommendations to the Board of Supervisors which shall make the determination. The Board of Supervisors shall inform the person requesting review of its finding in writing, setting forth the explicit reasons for denial of access to the subject record(s), when such denial is upheld.

**Sunset Date**

This policy will be reviewed for continuance by 12-31-01.

**References**

B/S Action 5-25-76 (59)  
B/S Action 6-22-76 (129)  
B/S Action 10-30-84 (88)  
B/S Action 9-27-88 (60)  
B/S Action 11-29-94 (40)

**CAO Reference**

1. County Counsel